IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 14893 of 2002

Between:

Velivala Adaiah S/o. Venkateswarlu
R/o. Chavali, Vemuru Mandalam,
Guntur District.

..... PETITIONER

AND

1 The District Collector,
Guntur.
2 The Mandal Revenue Officer,
Vemuru Mandalam, Guntur District.
3 The Secretary, Chavali Gram Panchayat,
Chavali, Vemuru Mandalam,
Guntur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate order or direction or a writ more particularly a Writ in the nature of CERTIORARI to call for the records and to quash the proceedings ROR.No.116/2002/A dated 20.7.2002 issued by the Mandal Revenue Officer, Vemuru, the 2nd Respondent herein to grant patta in favour of the petitioner which is an extent of 60 square yards situated at Gopalamvari Bazaar, adjacent to Ramamandiram of Chavali Village, Vemuru Mandalam, Guntur District

Counsel for the Petitioner:MR.G.DHARMA RAO

Counsel for the Respondent No.1 and 2: GP FOR ASSIGNMENT

Counsel for the Respondent No.3: MR. D.SRINIVASA RAO

The Court made the following :

ORDER:

This writ petition is filed by the petitioner seeking writ of certiorari to call for the records and to quash the proceedings ROR No. 116/2002/A, dated 20-7-2002.

2. Velivala Adaiah has been in occupation of a vacant Government Poromboke site of 40 square yards. He submitted an application for assignment of the said site as he has been in possession of the property for over 60 years. The Grampanchayath passed resolution reporting no objection of assignment of the land in favour of Velivala Adaiah to an extent of 0-02 cents. But, the Mandal Revenue Officer issued endorsement dated 20-7-2002 informing Velivala Adaiah-writ petitioner that the land is meant for construction of Anganwadi Building and therefore, his request for grant of patta in respect of the said site cannot be considered. Questioning the endorsement of the Mandal Revenue Officer dated 20-7-2002 Velivala Adaiah has filed this writ petition.

3. The learned counsel for the writ petitioner submits that the endorsement given by the Mandal Revenue Officer-2nd respondent herein is mala fide and the same is not based on sound reasons.

4. The learned Government Pleader for assignment submits that the Mandal Revenue Officer issued endorsement basing on the requisition of the Grampanchayath to the effect that the site in question is required by the Grampanchayath for constructing Anganwadi Building.

5 . As seen from the records, the endorsement issued by the Mandal Revenue Officer-2nd respondent is based on the resolution passed by the Grampanchayath. It is explicit from the endorsement that the land is required for construction of Anganwadi Building. Such is the case, the rejection order issued by the Mandal Revenue Officer –2nd respondent for allotment of the patta to the petitioner cannot be found fault. However, petitioner is at liberty to renew his requests to the authorities in case, the site in dispute is not used for the construction of proposed building after lapse of two or three years, in which case the same is to be considered in

accordance with the procedure established under law.

5. With the above observation, the writ petition is disposed of. No order as to costs.

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B.Seshasayana Reddy,J

13th June, 2005

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector,
Guntur.
2 The Mandal Revenue Officer,
Vemuru Mandalam, Guntur District.
3 The Secretary, Chavali Gram Panchayat,
Chavali, Vemuru Mandalam,
Guntur District.

4. 2 CCs to G.P. for Assignment, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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13th June, 2005.